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In re Application of
Forsberg, et al.
Application No.: 10/693,005
Filed: October 24, 2003
Attorney Docket No.: 1023-294US01
For: MEDICAL DEVICE PROGRAMMER
WITH INFRARED COMMUNICATION

: OFFICE OF PETITIONS
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This is a decision on the petition under 37 CFR 1.137(b), filed October 9, 2008, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to properly reply to the final Office action, mailed March 21, 2008. An amendment, filed June 23, 2008 (a Monday) failed to place this application in *prima facie* condition for allowance, as was explained in the October 1, 2008 advisory action. No proper extensions of time were obtained pursuant to 37 CFR 1.136(a). Therefore, this application became abandoned on June 22, 2008. A Notice of Abandonment was mailed on October 20, 2008.

The Notice of Appeal filed October 9, 2008 has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief accompanied by the fee required by law, runs from the date of this decision.

Regarding finances: Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,100.00 extension of time submitted with the petition on October 9, 2008 was filed subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account. The same deposit account will be charged 30.00, which is the difference between the increased Notice of Appeal fee and the amount previously paid on October 3, 2007.

After the mailing of this decision, the file will be referred to Technology Center AU 3762 to await receipt of an Appeal brief or other appropriate follow-up submission to the Notice of Appeal.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley
Petitions Attorney
Office of Petitions